

September 19, 2002



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Ex parte* presentation in: MM Docket No. 98-120

Dear Ms. Dortch:

On September 19, 2002, Harold Feld, Associate Director, MAP, spoke with Alex Johns, Mass Media Advisor to Commissioner Copps.

Mr. Feld stated that when MAP filed comments in this docket in 1998, Digital Television was at that time a "nascent" technology and therefore the comments urged the Commission not to impose any new mandates. Four and a half years later, the situation may well call for a fresh look.

Mr. Feld stressed, however, that any change in the must carry rules must reflect the "compelling government purpose of the highest order" that justified the original must carry statute in *Turner Broadcasting*. In particular, the Commission should not require other industries to subsidize the digital transition for broadcasters while the broadcasters resist the imposition of any substantive public interest obligations. Broadcasters received a \$70 Billion subsidy in the form of free spectrum to convert to digital. Recently, the Commission has required equipment manufacturers (and through them, viewers) to subsidize the transition further. Before requiring cable operators to provide another subsidy to the broadcasters, the Commission must require the broadcasters to return something of value to the American people in the form of meaningful public interest obligations.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted

Harold Feld
Associate Director

cc: Alex Johns